

FEB 24 2022

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS BARRON-BARRIOS,

Defendant.

)
CRIMINAL NO. 22-306 KG
) Count 1: 18 U.S.C. § 371: Conspiracy;
) Counts 2-7: 18 U.S.C. § 922(a)(6): False
Statement in the Acquisition of a Firearm;
and 18 U.S.C. § 2: Aiding and Abetting;
) Count 8: 18 U.S.C. § 554: Smuggling
Goods from the United States; and 18
U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Introduction

1. Transnational Criminal Organizations operating in Mexico, oftentimes referred to as Mexican Cartels, rely upon the use of firearms and ammunition to protect their supply of drugs, supply routes, profits, and distribution territory from both law enforcement agents and competing Cartels.

2. Mexican Cartels represent a ready and lucrative market for firearms and ammunition from the United States. Mexican Cartels prefer certain makes, models, and calibers of firearms. These "weapons of choice" are generally semi-automatic versions of military type rifles and pistols. They include AK-47 variant rifles and pistols (which use 7.62mm ammunition), AR-15 rifles (which use 5.56mm and .223 caliber ammunition), 9mm pistols (which use 9mm ammunition), and other high-powered handguns.

3. Mexican Cartels desire AK-47 and AR-15 type rifles and pistols because they are: (1) capable of accepting high-capacity magazines; (2) rugged and durable in extreme conditions such as deserts and jungles; and (3) easily convertible to fully-automatic mode, meaning the firearm will continue to load and fire rounds of ammunition as long as the trigger is depressed or until the firearm runs out of ammunition.

4. These firearms, and the ammunition that they use, are not available in Mexico through regular commercial retail channels, but are available in the United States through licensed retail gun shops. Therefore, Mexican Cartels rely on the commercial firearms market from the United States, among other places, to supply their para-military wings and enforcers. Firearms smugglers commonly purchase the firearms and ammunition they smuggle into Mexico from licensed retail gun shops in the United States. Because of their unavailability in Mexico, these firearms and ammunition are worth significantly more in Mexico than in the United States.

5. A Federal Firearms Licensee ("FFL") is a business licensed under Chapter 44 of Title 18, United States Code, to engage in the business of dealing in firearms. When a purchaser buys a firearm from an FFL, that buyer must fill out a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473 (Firearms Transaction Record), which asks for and requires the buyer's true name, current residential address, and other identifying information. The information on the ATF Form 4473 makes it possible to trace a firearm back to its retail purchaser. FFLs are required by Chapter 44 of Title 18, United State Code, to maintain these forms in their records.

6. In addition, ATF Form 4473 asks the purchaser: "Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if

you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you . . .”

7. If an FFL or employee of an FFL knows that the individual filling out an ATF Form 4473 is not the actual purchaser of the firearm(s), but is instead purchasing the firearm(s) on behalf of another person, it is illegal for the FFL or an employee to sell the firearm(s) to that individual.

8. Firearms smugglers often employ “straw purchasers” to buy firearms from licensed gun dealers in the United States. These straw purchasers are commonly paid to falsely claim on the ATF Form 4473 that they are buying the firearm(s) for themselves, when in fact they are purchasing the firearm(s) on behalf of another.

9. Firearms smugglers commonly acquire firearms through straw purchasers to conceal the true purchaser. Firearms purchased in furtherance of a firearms smuggling conspiracy are usually purchased in cash to further conceal the true buyer and source of funds.

10. Firearms smugglers commonly employ multiple straw purchasers to supply them with their firearms, ensuring that they have more than one source of firearms for distribution to their buyers. Firearms smugglers also employ multiple straw purchasers to avoid detection by law enforcement because multiple people purchasing smaller amounts of firearms arouse less suspicion than one person purchasing a large number of firearms.

11. Only those individuals possessing an export license from either the United States Department of State or the United States Department of Commerce may legally export certain firearms and ammunition from the United States.

12. At all times relevant to this Indictment, the defendant, **JESUS BARRON-BARRIOS**, did not have, and has never had, an export license from either the United States Department of State or the United States Department of Commerce.

Count 1

From on or about January 23, 2021, and continuing to on or about June 7, 2021, in Grant, Luna, and Doña Ana Counties, in the District of New Mexico and elsewhere, the defendant, **JESUS BARRON-BARRIOS**, knowingly, unlawfully and willfully combined, conspired, confederated, agreed, and acted interdependently with other persons known and unknown to the Grand Jury to commit the following offenses against the United States: making false statements in connection with the acquisition of firearms, contrary to 18 U.S.C. § 922(a)(6); and smuggling goods from the United States, contrary to 18 U.S.C. § 554(a).

Overt Acts

In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of New Mexico, and elsewhere:

Overt Act One

On or about on January 23, 2021, **JESUS BARRON-BARRIOS** drove Victor Fierro-Caro to DK Guns and Pawn, located in Silver City, New Mexico where Victor Fierro-Caro filled out an ATF Form 4473 and purchased a Century Arms, Model VSKA, 7.62X39 AK-47 variant rifle, bearing serial number SV7047452, and a Century Arms, Model C39V2, 7.62X39 AK-47 variant rifle, bearing serial number C39V2A60202, and **JESUS BARRON-BARRIOS** paid Victor Fierro-Caro approximately \$200.00 for purchasing the firearms.

Overt Act Two

On or about April 19, 2021, Victor Fierro-Caro went to Larry's Pawn & Music, located in Deming, New Mexico, and purchased a Springfield, Model Saint, 5.56/.223 caliber rifle, bearing serial number ST396285, and **JESUS BARRON-BARRIOS** paid Victor Fierro-Caro \$100.00 for purchasing the firearm.

Overt Act Three

On April 28, 2021, Ana Barron purchased a Smith and Wesson rifle, Model M&P 15, caliber 5.56, bearing serial number TS87659, which was later smuggled into Mexico and then recovered in Mexico on June 7, 2021.

Overt Act Four

On or about May 22, 2021, **JESUS BARRON-BARRIOS** drove Victor Fierro-Caro and Mayra Madrid to MR Arms, located in Las Cruces, New Mexico, where that morning, Victor Fierro-Caro purchased a SOTA Arms, Model PA15, semi-automatic rifle, bearing serial number PA14040 and a SOTA Arms, Model PA15, semi-automatic rifle, bearing serial number PA14027, which were later smuggled into Mexico and then recovered in Mexico, with **JESUS BARRON-BARRIOS** paying Victor Fierro-Caro \$200.00 for purchasing the firearms, and that afternoon, Mayra Madrid went into MR Arms and purchased a SOTA Arms, Model PA15, semi-automatic rifle, bearing serial number PA14032 and a SOTA Arms, Model PA15, semi-automatic rifle, bearing serial number PA14035, which were later smuggled into Mexico and then recovered in Mexico on June 7, 2021, with **JESUS BARRON-BARRIOS** paying Mayra Madrid approximately \$400.00 to \$500.00 for purchasing the firearms.

Overt Act Five

On May 29, 2021, Ana Barron purchased a SOTA Arms, Model PA15, semi-automatic rifle, bearing serial number PA14031, and a SOTA Arms, Model PA15, semi-automatic rifle, bearing serial number PA14022, which were later smuggled into Mexico and then recovered in Mexico on June 7, 2021.

Overt Act Six

On June 7, 2021, in Fresnillo, Zacatecas, Mexico, a coconspirator transported seven firearms concealed in a grey 2002 GMC Envoy, that had been smuggled into Mexico, as follows:

- a Smith and Wesson rifle, Model M&P 15, caliber 5.56, bearing serial number TS87659, that Ana Barron purchased from Larry's Pawn & Music in Deming, New Mexico, on April 28, 2021;
- a SOTA ARMS, Model PA15, semi-automatic rifle, bearing serial number PA14040, that Victor Fierro-Caro purchased from MR Arms in Las Cruces, New Mexico, on May 22, 2021;
- a SOTA ARMS, Model PA15, semi-automatic rifle, bearing serial number PA14027, that Victor Fierro-Caro purchased from MR Arms in Las Cruces, New Mexico, on May 22, 2021;
- a SOTA ARMS, Model PA15, semi-automatic rifle, bearing serial number PA14035, that Mayra Madrid purchased from MR Arms in Las Cruces, New Mexico, on May 22, 2021;
- a SOTA ARMS, Model PA15, semi-automatic rifle, bearing serial number PA14032, that Mayra Madrid purchased from MR Arms in Las Cruces, New Mexico, on May 22, 2021;
- a SOTA ARMS, Model PA15, semi-automatic rifle, bearing serial number PA14022, that Ana Barron purchased from MR Arms in Las Cruces, New Mexico, on May 29, 2021; and
- a SOTA ARMS, Model PA15, semi-automatic rifle, bearing serial number PA14031, that Ana Barron purchased from MR Arms in Las Cruces, New Mexico, on May 29, 2021.

In violation of 18 U.S.C. § 371.

Counts 2-7

On or about the following dates, in Grant, Luna, and Doña Ana Counties, in the District of New Mexico, the defendant, **JESUS BARRON-BARRIOS**, in connection with the acquisition of firearms from licensed dealers of firearms within the meaning of Chapter 44 of Title 18, United States Code, induced others to knowingly make false and fictitious written statements to licensed dealers of firearms, which were intended and likely to deceive the licensed dealers of firearms, as to a fact material to the lawfulness of such acquisition of the firearms under Chapter 44 of Title 18, in that the others represented that they were the actual buyers of the firearms indicated on the ATF Form 4473, when in fact, they purchased the firearms on behalf of another, as set forth below:

Count	Date	Name of Purchaser	Licensed Firearms Dealer	Number of Firearms on ATF Form 4473
2	January 23, 2021	Victor Fierro-Caro	DK Guns & Pawn; Silver City, New Mexico	2
3	April 19, 2021	Victor Fierro-Caro	Larry's Pawn & Music; Deming, New Mexico	1
4	April 28, 2021	Ana Barron	Larry's Pawn & Music; Deming, New Mexico	1
5	May 22, 2021	Victor Fierro-Caro	MR Arms; Las Cruces, New Mexico	2
6	May 22, 2021	Mayra Madrid	MR Arms; Las Cruces, New Mexico	2
7	May 29, 2021	Ana Barron	MR Arms; Las Cruces, New Mexico	2

In violation of 18 U.S.C. §§ 922(a)(6) and 2(a).

Count 8

From on or about May 22, 2021, and continuing to on or about June 7, 2021, in Luna County, in the District of New Mexico, the defendant, **JESUS BARRON-BARRIOS**, fraudulently and knowingly received, concealed, bought, sold, and facilitated the transportation, concealment, and sale of merchandise, articles, and objects, specifically, firearms, which are controlled on the Commerce Control List, knowing the same to be intended for exportation from the United States to the Republic of Mexico, contrary to any law and regulation of the United States, in that the defendant, **JESUS BARRON-BARRIOS**, had not obtained a license and written authorization for such export, in violation of 50 U.S.C. § 4819 and 15 C.F.R. § 736.2(b)(1), as set forth below:

Firearm	Purchaser	Purchase Date	Date Recovered in Mexico
Smith and Wesson rifle, Model M&P 15, caliber 5.56, serial number TS87659	Ana Barron	April 28, 2021	June 7, 2021
SOTA ARMS, Model PA15, semi-automatic rifle, serial number PA14040	Victor Fierro-Caro	May 22, 2021	June 7, 2021
SOTA ARMS, Model PA15, semi-automatic rifle, serial number PA14027	Victor Fierro-Caro	May 22, 2021	June 7, 2021
SOTA ARMS, Model PA15, semi-automatic rifle, serial number PA14032	Mayra Madrid	May 22, 2021	June 7, 2021
SOTA ARMS, Model PA15, semi-automatic rifle, serial number PA14035	Mayra Madrid	May 22, 2021	June 7, 2021
SOTA ARMS, Model PA15, semi-automatic rifle, serial number PA14022	Ana Barron	May 29, 2021	June 7, 2021
SOTA ARMS, Model PA15, semi-automatic rifle, serial number PA14031	Ana Barron	May 29, 2021	June 7, 2021

In violation of 18 U.S.C. §§ 554(a) and 2(a).

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY


Assistant United States Attorney